



Dkt. 30436.30USI2/SBA/HP

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter S. Linsley, et al.
Serial No. : 09/609,915 Examiner: E. M. Lazar-Wesley, Ph.D.
Filed : July 3, 2000 Group Art Unit: 1646
For : SOLUBLE CTLA4 MUTANT MOLECULES AND USES
THEREOF

55 S. Lake Avenue, Suite 710
Pasadena, California 91101
September 9, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

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COMMUNICATION IN RESPONSE TO THE AUGUST 7, 2002
COMMUNICATION FROM THE EXAMINER

This Communication is submitted in response to a Communication, dated August 7, 2002 from the Examiner issued in connection with the above-identified application. In accordance with the Notice, the deadline for submitting the response was September 7, 2002. However, since September 7, 2002, fell on a Saturday, a response filed the next business day, namely September 9, 2002, is considered timely. Accordingly, this response is being timely filed.

In the Notice, the Patent Office states that the reply filed April 22, 2002 to the sequence letter mailed March 15, 2002 is not fully responsive to the prior Office Action for the following reasons:

1. The specification does not comply with 37 C.F.R. 1.821 (d); and
2. The declaration pursuant to 37 C.F.R. 1.821(f) filed April 22, 2002, is deficient for failing to state that the paper and computer readable copy of sequence listings do not include new matter.

As requested by the Examiner, Applicants provide herein a preliminary amendment that incorporates sequence identifiers (SEQ ID NOs) in the claims (Exhibit 1).

With regards to the declaration, Applicants wish to point out that 37 C.F.R. §1.821(f) does not require that the declaration include the language “the paper copy and CRF of sequence listing do not include new matter.” It is permissible to include that statement in the communication as shown in Applicants’ responses filed April 15 and May 9, 2002. However, in order to further the prosecution of the subject application, Applicants provide herein a declaration that includes a statement that the paper and computer readable copy of sequence listings do not include new matter (Exhibit 2).

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No fee is deemed necessary in connection with the filing of this Response. However, if any fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,

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